

**United States Government
NATIONAL LABOR RELATIONS BOARD**
Region 18
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www.nlr.gov

January 8, 2009

Clifford A.J. Weems
1304 Willow Trail
Farmington, MN 55024

Re: BERNARD DAL SIN MANUFACTURING
Case 18-UD-227

Dear Mr. Weems:

The above-captioned case, arising from a petition filed pursuant to Section 9(c) of the National Labor Relations Act, as amended, has been carefully investigated and considered.

As a result of the investigation, I find that further proceedings are unwarranted because meritorious allegations involving violations of Section 8(a)(3) of the National Labor Relations Act directly affect the showing of interest. More specifically, on this date I issued a complaint against the Employer in Case 18-CA-18797. The complaint alleges, inter alia, that the Employer, on or about June 30, 2008, unlawfully denied reinstatement to its employees engaged in an economic strike by converting temporary strike replacement employees to permanent status after the Employer learned that striking employees intended to make unconditional offers to return to work, in order to retaliate against employees who engaged in the strike, in violation of Section 8(a)(3) of the Act. Should this allegation of the complaint be sustained, the showing of interest in this matter was signed primarily by temporary, non-unit employees, and therefore constitutes an insufficient showing of interest.

In these circumstances, I am dismissing your petition because the showing of interest is insufficient, subject to reinstatement, if appropriate, upon your application after final disposition of the unfair labor practice proceedings. Therefore, to assure that you are notified of the final disposition of the unfair labor practice proceeding, you will be considered a party in interest in the unfair labor practice proceeding with an interest limited solely to receipt of a copy of the order or other document which operates to dispose of the proceeding in a final manner.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, 1099 – 14th Street N.W., Washington, DC 20570. A copy of such

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request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, DC by the close of business on **January 12, 2009**, at 5:00 p.m. Eastern Time. You should be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, DC, and a copy of any such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with its offices. If a party wishes to file one of the documents which may now be filed electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. Guidance for E-filing can also be found on the National Labor Relations Board web site at www.nlrb.gov. On the home page of the website, select the **E-Gov** tab and click on **E-Filing**. Then select the NLRB office for which you wish to E-File your documents. Detailed E-filing instructions explaining how to file the documents electronically will be displayed.

Very truly yours,

Marlin O. Osthus
Acting Regional Director

MOO/bmg
Enc.
cc:

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